

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: MONA M. AKROM, )  
Plaintiff, )  
 )  
vs. ) Civil Action No. 06-705  
 )  
DONALD L. POLLEY, )  
BP RETIREMENT ACCUMULATION )  
PLAN, successor to Atlantic Richfield )  
Retirement Plan, BP CORPORATION )  
NORTH AMERICA, successor to )  
Atlantic Richfield Corporation, and )  
FIDELITY EMPLOYER SERVICES CO., )  
L.L.C., successor to Fidelity Investments )  
Institutional Operations Company, Inc., )  
Defendants. )

O R D E R

AND NOW, this 7<sup>th</sup> day of November, 2006, after the plaintiff filed a complaint in the above-captioned case, and after a motion to dismiss or for summary judgment was submitted by defendants BP Retirement Accumulation Plan, BP Corporation North America, and Fidelity Employer Services Co., L.L.C., and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motion to dismiss or for summary judgment filed by defendants BP Retirement Accumulation Plan, BP Corporation North America and Fidelity Employer

Services Co., L.L.C. (Document No. 3), treated as a motion for summary judgment, is granted, and that the complaint also is dismissed as to defendant Donald Polley.

Annetta F. Anchase  
United States District Judge

cc: All Counsel of Record

Honorable Robert C. Mitchell  
United States Magistrate Judge